

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLETCHER JENKINS, JR.,
TIMOTHY JENKINS, and
PAMELA LEWIS,

Plaintiffs,

vs.

Case No. 05-CV-72307
HON. GEORGE CARAM STEEH

CITY OF DETROIT,
a municipal corporation,
ANT JUAN SIMPKINS, ANTONIO BOATWRIGHT,
HUBERT BROWN, and CRAIG STEWART,

Defendants.

ORDER GRANTING PLAINTIFFS' MOTION (#17) FOR ALTERNATIVE SERVICE
UPON DEFENDANT HUBERT BROWN, AND EXTENDING SUMMONS THROUGH
MARCH 20, 2006

Plaintiffs move for alternate service upon defendant Hubert Brown. Previously, on October 13, 2005, the court granted a 60 day extension of the summons as to Brown because defendant City of Detroit first provided Brown's last known address to the plaintiffs on October 7, 2005. On December 12, 2005, the court granted a second extension of the summons through February 7, 2005, and ordered plaintiffs to attempt service under M.C.R. 2.105(A) and Federal Rule 4(e)(1) by sending a copy of the summons and complaint by registered or certified mail, return receipt requested, and delivery restricted to Brown. Plaintiffs now proffer evidence that service by certified mail and restricted delivery to Brown's last known address at 980 Whitmore Apt. 407, Highland Park, Michigan, 48203

was returned "unclaimed."

Service upon an individual situated within any federal judicial district may be effected in this district pursuant to the law of Michigan. Fed. R. Civ. P. 4(e)(1). M.C.R. 2.106 provides for service of process by publication. Pursuant to M.C.R. 2.106(C), defendant Brown is hereby notified:

This action is pending in the United States District Court for the Eastern District of Michigan, in the United States Courthouse located at 231 West Lafayette, Detroit Michigan, 48226;

The plaintiffs are Fletcher Jenkins, Jr., Timothy Jenkins, and Pamela Lewis;

The defendants are City of Detroit, Detroit Police Officers Ant Juan Simpkins, Anthony Boatwright, and Herbert Brown, and Craig Stewart;

Plaintiffs are suing the several defendants for damages in excess of \$4.0 million allegedly arising from a June 14, 2002 unlawful entry into the plaintiffs' residence at 2521/2523 Hazelwood, Detroit, Michigan, and an alleged excessive use of force upon each of the plaintiffs;

Upon receiving notice of this action, defendant Brown should answer or otherwise defend in this action as permitted under the Federal Rules of Civil Procedure and other applicable law;

Defendant Brown's failure to answer or otherwise defend in this lawsuit may lead to entry of Brown's default, and default judgment.

See M.C.R. 2.106(C). Defendant Brown shall be notified of this action by publication as provided for in M.C.R. 2.106(D). Plaintiffs shall send a copy of this order by first class regular mail and by registered or certified mail, return receipt requested, to defendant Brown at 980 Whitmore Apt. 407, Highland Park, Michigan, 48203, notwithstanding that an earlier mailing was returned "unclaimed." M.C.R. 2.106(D)(2). Plaintiffs shall also publish this notice once each week for three consecutive weeks in a newspaper in the county in which Brown's residence is located. M.C.R. 2.106(D)(1).

As set forth above, plaintiffs' motion for alternate service is hereby GRANTED. Plaintiffs have shown good cause for extending the time for service upon defendant Brown. Fed. R. Civ. P. 4(m). Accordingly, plaintiffs' motion to extend the summons as to defendant Brown is hereby GRANTED. It is ORDERED that the summons is hereby extended as to Brown through March 20, 2006.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: January 23, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on January 23, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk